

2009 Human Rights Report: Burkina Faso

Bureau of Democracy, Human Rights, and Labor
[2009 Country Reports on Human Rights Practices](#)
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Burkina Faso is a parliamentary republic with a population of 14.25 million. In 2005 President Blaise Compaore was reelected to a third term with 80 percent of the vote. Observers considered the election generally free, despite minor irregularities, but not entirely fair due to the ruling party's control of official resources. The president, assisted by members of his party, the Congress for Democracy and Progress (CDP), continued to dominate the government. The CDP won a majority in the 2007 legislative elections, which observers declared generally free and orderly despite irregularities, including fraud involving voter identification cards. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The following human rights problems were reported: security force use of excessive force against civilians, criminal suspects, and detainees; arbitrary arrest and detention; abuse of prisoners and harsh prison conditions; official impunity; judicial inefficiency and lack of independence; occasional restrictions on freedom of the press and assembly; official corruption; violence and discrimination against women and children, including female genital mutilation; trafficking in persons, including children; discrimination against persons with disabilities; and child labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, on September 6, prison guards shot and killed six prisoners and severely injured eight while trying to quell a prisoner protest against preferential treatment for wealthier prisoners. The Burkinabe Movement for the Emergence of Social Justice demanded an investigation; however, no action had been taken by year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices, members of the security forces continued to abuse persons with impunity, and suspects were frequently subjected to beatings, threats, and occasionally torture to extract confessions.

Forcible dispersions of protesters engaged in violent demonstrations resulted in numerous injuries during the year (see section 2.b.).

On September 21, following an altercation between local youths and police cadets, more than 100 cadets of the National School of Police in Ouagadougou (ENP) beat residents with military belts and ransacked local businesses in the Gounghin neighborhood, resulting in numerous injuries and property damage. The rampage continued until police and gendarmes returned the students to their barracks. The minister of security, who apologized to the victims and promised a full investigation, announced a few days later that all the cadets involved in the incident had been expelled from ENP and that their scholarships would be used to compensate residents for damages.

In 2008, following an investigation and trial, the Military Court acquitted eight of the 10 soldiers accused of the 2007 assault, battery, and destruction of private property of residents in Banfora, Comoe Province. One soldier received a suspended sentence and was released the day of his arrest, and another served a six-month prison term.

Prison and Detention Center Conditions

Prison conditions were harsh and could be life threatening. Prisons were overcrowded, and medical care and sanitation were poor. Prison diet was inadequate, and inmates often relied on supplemental food from relatives. Pretrial detainees were usually held with convicted prisoners.

Deaths from prison conditions or neglect occurred, according to human rights organizations. According to medical reports, 17 prisoners died of natural causes during the year, and human rights activists suspected that most of these deaths were due to harsh prison conditions.

There were 5,082 persons incarcerated throughout the country, including 104 women and 180 minors. Of these, 2,501, including 58 women and 116 minors, were in pretrial detention.

Prison authorities generally granted permission to visit prisons and did not require advance permission. This permission extended to local and international human rights groups, the media, and International Committee of the Red Cross. There were no reports during the year of prison visits by international organizations; however, during the year members of local nongovernmental organizations (NGOs), foreign embassies, and the press visited prisons.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not consistently observe these prohibitions.

Role of the Police and Security Apparatus

The national police, under the Ministry of Security, and the municipal police, under the Ministry of Territorial Administration, are responsible for public security. Gendarmes report to the Ministry of Defense and are responsible for some aspects of public security.

Corruption was widespread, particularly among lower levels of the police and gendarmerie. The 2007 report by the NGO National Network to Fight against Corruption (RENLAC) stated that the police and gendarmerie were among the most corrupt institutions in the country. Corruption and official impunity were also serious problems in the military. The gendarmerie is responsible for investigating abuse by police and gendarmes; however, the government took no known disciplinary action against those responsible for abuses, and the climate of impunity created by the government's inaction remained the largest obstacle to reducing abuses. In contrast with the previous year, the Human Rights Ministry did not conduct any seminars to educate security forces on human rights standards.

Human rights associations believed that security forces were not effective in responding to societal violence. A lack of financial and human resources and a complicated procedure to make security forces take action were serious impediments to preventing or responding to societal violence. For example, security forces were not effective in addressing incidents between Fulani herders and the Mossi, Gourounchi, and Gourmanche farmers or cases in which elderly women were expelled from their homes or villages following accusations of witchcraft.

Arrest Procedures and Treatment While in Detention

By law police must possess a warrant to search or arrest, arrests must be made openly, and warrants must be based on sufficient evidence and signed by a duly authorized official. However, authorities did not always respect this process. Detainees were promptly informed of charges against them. The law provides for the right to expeditious arraignment, bail, access to legal counsel after a detainee has been charged before a judge or, if indigent, access to a lawyer provided by the state after being charged; however, these rights were seldom respected. The law does not provide for access to family members, although detainees were generally allowed such access.

On December 7, police arrested 26 high school students in Ouagadougou who were commemorating the anniversary of the 2000 killing by security forces of 12-year-old Flavien Nebie in Bousse, Kouweogo Province, and demanding punishment for the perpetrators. Police released seven of the students without charges but charged the remaining students with illegal demonstration and drug possession. At the conclusion of a December 22 trial, the justice officials acquitted the defendants for lack of sufficient evidence.

The law limits detention without charge for investigative purposes to a maximum of 72 hours, renewable for a single 48-hour period; however, police rarely observed these restrictions. The average time of detention without charge (preventive detention) was one week; however, the law permits judges to impose an unlimited number of six-month preventive detention periods, and defendants without access to legal counsel were often detained for weeks or months before appearing before a magistrate. Government officials estimated that 23 percent of prisoners nationwide were in pretrial status. In some cases detainees were held without charge or trial for

longer periods than the maximum sentence they would have received if convicted of the alleged offense. There was a pretrial release (release on bail) system; however, the extent of its use was unknown.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the judiciary was corrupt, inefficient, and subject to executive influence. The president has extensive appointment and other judicial powers. Constitutionally, the head of state also serves as president of the Superior Council of the Magistrature, which nominates and removes senior magistrates and examines the performance of individual magistrates. Other systemic weaknesses in the justice system included the removability of judges, corruption of magistrates, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.

There are four operational higher courts: the Supreme Court of Appeal, the Council of State, the Audit Court and Office, and the Constitutional Council. Beneath these higher courts are two courts of appeal and 24 provincial courts. There is also a High Court of Justice with jurisdiction over the president and other senior government officials. Tribunals in Ouagadougou and Bobo-Dioulasso try juveniles under 18. The Military Court tries only military cases and provides rights equivalent to those in civil criminal courts.

Traditional courts in rural areas were abolished in 1984 and no longer have any legal standing. However, many traditional chiefs were still highly influential in rural areas and could, for example, keep women from exercising their rights.

Women continued to occupy a subordinate position and experienced discrimination in education, the workplace, property ownership, access to credit, management or ownership of a business, and family rights. Although the law provides equal property rights for women and, depending on other family relationships, inheritance benefits, in practice traditional law denied women the right to own property, particularly real estate. In rural areas, land belonged to the family of a woman's husband. Many citizens, particularly in rural areas, held to traditional beliefs that did not recognize inheritance rights for women and regarded women as property.

Trial Procedures

Trials are public but juries are not used. Defendants are presumed innocent and have the right to legal representation and consultation. Defendants have the right to be present at their trials, to be promptly informed of charges against them, to provide their own evidence, and to access government-held evidence. Defendants can challenge and present witnesses and have the right of appeal. If indigent, they have the right to a lawyer provided by the state. However, these rights were seldom respected. In addition, popular ignorance of the law and a continuing shortage of magistrates limited the right to a fair trial.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent judiciary in civil matters; however due to the corruption and inefficiency of the judiciary, citizens sometimes preferred to rely on the ombudsman to settle disputes with the government. The law provides for access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation, and both administrative and judicial remedies were available for alleged wrongs. However, there were problems enforcing court orders when they concerned sensitive cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions. In national security cases, the law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant. By law and under normal circumstances, homes may be searched only if the justice minister issues a warrant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government partially limited press freedom and intimidated journalists into practicing self-censorship.

In general citizens and the press could criticize the government without reprisal. However, journalists were occasionally sued by the government or a progovernment political figure under a law that defines libel in excessively broad terms. Government agents sometimes infiltrated political meetings and rallies to impede criticism.

The official media, including the daily newspaper *Sidwaya* and the government-controlled radio and television stations, displayed a progovernment bias but allowed significant participation in their programming from those representing opposition views. There were numerous independent newspapers and radio and television stations, some of which were highly critical of the government. Foreign radio stations broadcast without government interference.

All media were under the administrative and technical supervision of the Ministry of Culture, Tourism, and Communications, and the Spokesman of the Government. The Superior Council of Communication (SCC), which is under the Office of the President and has limited independence, also regulates the media. The Ministry of Culture, Tourism, and Communications is responsible for developing and implementing government policy and projects concerning information and communication. The SCC oversees the content of radio and television programs and newspapers to ensure that they adhere to professional ethics and government policy governing information and communication. The SCC may summon a journalist to attend a hearing about his work, followed by a warning that it will not tolerate a repeat of "noncompliant behavior"; journalists received such summons during the year. Hearings may concern alleged libel, disturbing the peace, or violations of state security.

The government's definition of libel is broad. Political and business figures used libel suits to pressure journalists who produce unflattering press coverage of them or their organizations.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, poverty and the high rate of illiteracy limited public access to the Internet. According to International Telecommunication Union statistics for 2008, approximately 0.92 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution and law provide for freedom of assembly, the government at times restricted this right. Unlike in the previous year, no deaths or injuries resulted from police use of excessive force to disperse demonstrators. No action was taken against security forces responsible for demonstrator deaths and injuries in 2008.

Political parties and labor unions may hold meetings and rallies without government permission; however, advance notification is required for demonstrations that might threaten public peace. Penalties for violation of the advance notification requirement include two to five years' imprisonment. Denials or imposed modifications of a proposed march route or schedule may be appealed to the courts. Government agents sometimes infiltrated political meetings and rallies.

On December 7, police used force to disperse a high school student demonstration in Ouagadougou (see section 1.d.).

On January 16, opposition leader Thibaut Nana was released from prison; in March 2008 Nana was sentenced to 36 months' imprisonment for organizing a February 2008 demonstration against fuel and food prices in which numerous demonstrators were injured as a result of police use of excessive force.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right. Political parties and labor unions could organize without government permission.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

Religious groups must register with the Ministry of Territorial Administration, and failure to register may result in a fine. The government routinely approved registration applications.

Societal Abuses and Discrimination

There were no reports of anti-Semitic acts. There was no known Jewish community in the country.

For a more detailed discussion, see the 2008 [International Religious Freedom Report](http://www.state.gov/g/drl/rls/irf) at www.state.gov/g/drl/rls/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The government required travel documents, such as identification cards, for regional travel.

The law prohibits forced exile, and there were no reports that the government used it during the year.

Protection of Refugees

Burkina Faso is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and to the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government granted refugee or asylum status and also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol; during the year 1,116 persons received temporary protection.

In June the government organized a series of workshops in Bobo-Dioulasso and Ouagadougou to inform, educate, and sensitize law enforcement officials, including security forces and local

authorities, to the principles of nonrefoulement, nondiscrimination, and international protection for refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully through multiparty elections; however, citizens were unable to exercise this right fully due to the continued dominance of the president and his ruling party.

Elections and Political Participation

In 2005 President Blaise Compaore won reelection with 80 percent of the vote. Opposition candidate Benewende Sankara, the runner-up, received 5 percent. Despite some irregularities, international observers considered the election to have been generally free but not entirely fair, due to the resource advantage held by the president.

Political parties operated freely. Individuals and parties can freely declare their candidacies and stand for election in presidential elections; however, individuals must be members of a political party to run in legislative or municipal elections.

In the 2007 legislative elections, the ruling CDP won 73 seats in the 111-seat National Assembly, and the other parties won 38, although 25 of the 38 non-CDP deputies belonged to parties allied with the government. Election observers declared the elections free and orderly, except in four cities where they noted irregularities including several fraud cases involving voter identification cards. Opposition leaders denounced the elections.

CDP membership conferred advantages, particularly for businessmen and traders seeking ostensibly open government contracts.

There were 13 women in the National Assembly and seven women in the 34-member cabinet. One of the four higher courts was led by a woman, the national ombudsman was a woman, 18 elected mayors were women, and an estimated 40 to 45 percent of new communal councilors were women.

There were 16 minority members in the cabinet and 61 in the National Assembly.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt activities with impunity. Local NGOs denounced the overwhelming corruption of senior civil servants and called on President Compaore to address this concern. Corruption was especially acute in the customs service, police, gendarmerie, taxing agencies, health and justice ministries, municipalities, government procurement, the education sector, public service, and media.

In April 2008 the government created the Regulatory Authority of Government Tenders (ARMP), a regulatory oversight body to monitor the tender process for government contracts. The ARMP is authorized to impose sanctions, initiate lawsuits, and publish the names of fraudulent or delinquent businesses; however, it took no action on any of these mandates during the year.

In 2007 the Court of Accounts, responsible for auditing the government's accounts, published an annual report for 2005 highlighting government mismanagement, including by the mayor of Ouagadougou. The report found that the government had failed to comply with proper administrative, accounting, and auditing procedures for government tenders. No known action had been taken on any of the report's recommendations by year's end.

In 2007 the government ratified legislation to create the Superior Authority of State Control (ASCE), an entity under the authority of the prime minister that merges the High Commission for the Coordination of Anti-Corruption Activities, the State Inspector General, and the National Commission for the Fight Against Fraud. In addition to releasing annual reports from auditing entities, ASCE has the authority to prosecute ethics breaches in the public sector, including by state civil service employees, local and public authorities, state-owned companies, and all national organizations invested with public service missions. Despite this mandate, no action was taken during the year by the ASCE, which observers believed had insufficient power.

However, on May 28, the ASCE published its 2008 annual report, the agency's first, which highlighted mismanagement in government agencies, citing corruption involving a high commissioner, the secretary general of one ministry, and the director general of another ministry. According to the report, approximately 92 million CFA francs (\$189,814) were misappropriated in 2008. The ASCE recommended tougher management measures, prosecutions, and reimbursement of misappropriated funds. No known action had been taken on the report's recommendations by year's end.

Despite numerous instances in recent years of high-level corruption, no senior officials were prosecuted for corruption, and it was unclear whether the Justice Ministry was equipped to handle such cases. In its 2007 report, RENLAC noted that "lack of experience coupled with a deficit of appropriately trained judges has rendered the Justice Ministry incapable of effectively dealing with corruption cases." The report continued that the ministry's resources were insufficient to handle the increasing number of financial crimes and that its efforts were limited to the smallest racketeering cases rather than higher-level corruption.

Some public officials are subject to financial disclosure laws, but these laws were not effectively enforced.

No laws provide for public access to government information. While government ministries released some non-sensitive documents, local journalists complained that ministries were generally unresponsive to requests for information, ostensibly for reasons of national security and confidentiality. They also criticized government spokespersons for strictly limiting the scope of questions that could be raised during official press conferences. There is no procedure to appeal denials of requests for information.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

The government permitted international human rights groups to visit and operate in the country; however, there were no reported visits during the year by the UN or other international organizations.

The Ministry of Human Rights is responsible for the protection and promotion of human rights. The minister of human rights reports to the prime minister. During the year the ministry conducted education campaigns and produced human rights pamphlets for the security forces.

The ombudsman, who is appointed by the president for a nonrenewable five-year term and cannot be removed during the term, had limited resources. The public generally trusted the ombudsman's impartiality. No report of the ombudsman's work was published during the year.

The governmental National Commission on Human Rights serves as a permanent framework for dialogue on human rights concerns and included representatives of human rights NGOs, unions, professional associations, and the government. The Burkina Faso Movement for Human and Peoples' Rights (MBDHP) did not participate on the commission and continued to charge that the commission was subject to government influence. The commission, which issued no reports during the year, was inadequately funded.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce these prohibitions. Discrimination against women and persons with disabilities remained a problem.

Women

Rape is a crime; however, the law was not enforced, and rape occurred frequently. There is no explicit discussion of spousal rape in the law, and there were no recent court cases. There were organizations that counseled rape victims, including Catholic and Protestant missions, the Association of Women Jurists in Burkina, the MBDHP, the Association of Women, and Promofemmes, a regional network that worked to combat violence against women.

Domestic violence against women, especially wife beating, occurred frequently, primarily in rural areas. No law specifically protects women from domestic violence, and cases of wife beating usually were handled out of court. There were no available statistics on how many persons were prosecuted, convicted, or punished for domestic violence during the year; however, it was believed such legal actions were infrequent because women were ashamed, afraid, or otherwise reluctant to take their spouses to court. Cases that involved severe injury usually were

handled through the legal system. The Ministry for Promotion of Women, the Ministry for Social Action and National Solidarity, and several NGOs cooperated in an effort to protect women's rights. The Ministry for the Promotion of Women has a legal affairs section to inform women about their rights and encourage them to defend these rights.

Childless elderly women with no support, primarily in rural areas, and particularly if widowed, were at times accused of witchcraft and banned from their villages, often accused of eating the soul of a relative or a child who had died. These women sought refuge at centers run by governmental or charitable organizations in larger cities.

The law does not specifically prohibit prostitution, which was prevalent; however, pimping and soliciting are illegal.

The labor code explicitly prohibits sexual harassment in the workplace, but such harassment was common. The law prescribes fines of 50,000 to 600,000 CFA francs (\$103 to \$1,238) and prison terms varying from one month to five years for persons convicted of workplace harassment. There were no available statistics on how many persons were prosecuted, convicted, or punished for the offense during the year.

Couples and individuals are legally entitled to decide freely and responsibly the number, spacing, and timing of their children. They have the right to access reproductive and family planning information and can do so without facing any type of discrimination, coercion, or violence. In practice, however, these rights were not equally applicable to all levels of society, mainly as a result of accessibility to information and medical care availability in remote areas. Cultural norms, especially in rural areas that tend to have a less educated population, also played an important role in availability and use of those resources. These reproductive rights were usually respected and available in urban areas and among more educated populations, but less so for couples and individuals living in rural areas. Cultural norms often subject women to their husbands' decisions regarding birth control.

Both government and private health centers were open to all women for reproductive health services, including contraception, skilled medical assistance during childbirth (essential obstetric and postpartum care), and diagnosis and treatment of sexually transmitted diseases, including HIV; however, remote villages often lacked these facilities or did not have adequate road infrastructure to permit easy access. To obtain specific treatment or deliver under medical supervision, women in rural areas sometimes had to travel to the closest large city for access to adequate health centers.

The law prohibits female infanticide, and there were no reports of such cases, although newspapers reported cases of abandonment of newborn babies following unwanted pregnancies.

Women continued to occupy a subordinate position and experienced discrimination in education, jobs, property ownership, access to credit, management or ownership of a business, and family rights. Polygyny was permitted, but both parties had to agree to it prior to a marriage. A wife could oppose further marriages by her husband if she provided evidence that he had abandoned her and her children. Both spouses were able to petition for divorce, and the law provides that

custody of a child be granted to either parent, based on the child's best interests. Since 2007 women can serve in the military; however, women represented approximately 45 percent of the general workforce and were primarily concentrated in lower paying positions. Although the law provides equal property rights for women and, depending on other family relationships, inheritance benefits, traditional law denied women the right to own property, particularly real estate. In rural areas land belonged to the family of a woman's husband. Many citizens, particularly in rural areas, clung to traditional beliefs that did not recognize inheritance rights for women and regarded a woman as property that could be inherited upon her husband's death.

The government continued media campaigns to change attitudes toward women, but progress has been slow. The Ministry for Women's Promotion is responsible for promoting women's rights, and the minister was a woman. During the year the government established community banks to promote economic development of grassroots organizations, including women's groups. The banks provided micro loans to fund cereal mills, shea butter production, market gardening, animal fattening, and other small businesses.

Children

Citizenship is derived either by birth within the country's territory or from the parents. The government failed to register all births immediately, particularly in rural areas where administrative structures were insufficient and rural parents could not afford birth certificates. Such lack of registration sometimes resulted in denial of public services. To address the problem, the government periodically organized registration drives and issued belated birth certificates.

The law calls for compulsory, free, and universal education until the age of 16. The government paid tuition, books, and supplies for all students under 16 years of age, although uniforms were the responsibility of the student's family. Children over 16 years old were responsible for paying all education costs unless they qualified for tuition assistance from merit and need-based programs. The overall school enrollment was approximately 77 percent for boys and 72 percent for girls.

The law prohibits the abuse of children under 15 and provides for the punishment of abusers. The penal code mandates a one- to three-year prison sentence and fines ranging from 300,000 to 900,000 CFA francs (\$619 to \$1,856) for inhumane treatment or mistreatment of children; however, light corporal punishment was tolerated and widely practiced in society, although the government conducted seminars and education campaigns against child abuse.

Female Genital Mutilation (FGM) was practiced widely, especially in rural areas, and usually was performed at an early age. According to a 2006 report by the National Committee for the Fight Against Excision, up to 81 percent of women age 25 and older, and approximately 34 percent of girls and women under 25, had undergone FGM. Perpetrators were subject to a significant fine and imprisonment of six months to three years, or up to 10 years if the victim died. During the year security forces and social workers from the Ministry of Social Action arrested several FGM practitioners and their accomplices. In accordance with the law, they were sentenced to prison.

As part of the government's campaign against FGM in West Africa, the first ladies of Burkina Faso and Niger presided over an October 2008 meeting on FGM in Ouagadougou. Noting that girls were often taken across national borders to countries where excision is legal or law enforcement was weak, participants called on governments to coordinate and enforce national laws against FGM. There were no reports of any actions resulting from this meeting.

Several NGOs stated that child marriage was a problem, primarily in rural areas; however, there were no reliable statistics. The legal age for marriage is 17. The law prohibits forced marriage and prescribes penalties of six months to two years in prison for violation. The prison term may be increased to three years if the victim is under 13 years of age; however, there were no reports of prosecutions of violators.

There were no statistics on child prostitution; however, it was a problem. Children from poor families relied on prostitution to meet their daily needs and, at times, to help their needy parents. Trafficked children, primarily Nigerian nationals, were also subject to sexual abuse and forced prostitution.

The law prohibits the worst forms of child labor, including these of children in pornographic activities and jobs that harm their health. The May 2008 antitrafficking legislation provides for penalties of up to 10 years for violators and increases maximum prison terms from five to 10 years. The law also allows terms as high as 20 years to life imprisonment under certain conditions.

There were numerous street children, primarily in Ouagadougou and Bobo-Dioulasso. Many children ended up on the streets after traveling from rural areas to find employment in the city or after their parents had sent them to the city to study with a Koranic teacher or live with relatives and go to school. At least one NGO assisted street children. Two directorates within the Ministry of Social Action also ran educational programs, including vocational training, for street children, funded income-generating activities, and assisted in the reintegration and rehabilitation of street children. Nevertheless, the number of street children far outstripped the capacity of these institutions.

Trafficking in Persons

The law prohibits trafficking in persons for all purposes, including sexual, labor, and other related practices. The country was a source, transit, and destination country for children and women trafficked for forced agricultural labor and commercial sexual exploitation, forced labor in gold mines and stone quarries, and forced domestic servitude. Internal trafficking of children was also a problem. Burkinabe children were trafficked primarily to Cote d'Ivoire, as well as to Mali, Benin, Nigeria, Togo, Ghana, and Niger. Children were also trafficked from those West African countries to Burkina Faso. To a lesser extent, Burkinabe women were trafficked to Europe for sexual exploitation. Women were believed to have been trafficked to the country from Nigeria, Togo, Benin, and Niger for domestic servitude, forced labor in restaurants, and sexual exploitation. The country was a transit point for trafficked children, notably from Mali to Cote d'Ivoire.

Child traffickers typically acted as intermediaries for poor families, promising to place a child in a decent work situation. Once the child was in the hands of traffickers, these promises were usually disregarded. Some traffickers were distant relatives, often referred to as "aunts." Traffickers occasionally kidnapped children. Once placed in a work situation, whether in the country or beyond its borders, children were usually not free to leave and were forced to work without pay and under very bad conditions.

Trafficked children were subject to violence, sexual abuse, forced prostitution, and deprivation of food, shelter, schooling, and medical care. Organized child trafficking networks existed throughout the country and cooperated with regional smuggling rings; authorities dismantled two such networks in 2008. Village vigilance committees and public awareness campaigns contributed to successful efforts by the Ministry of Social Action and security forces in the dismantling of these networks.

The majority of international trafficking was believed to be conducted using forged travel documents. Travel occurred both at official ports of entry and at unmonitored border-crossing points.

According to the report released during the year by the Office for the Protection of Infants and Adolescents, between December 2008 and September 2009, security forces intercepted 197 trafficked children, 176 of whom were boys; 85 children were destined for international trafficking. In 2008 seven child traffickers were arrested; three were cleared of all charges and released, and four received suspended prison terms.

The Ministries of Social Action and National Solidarity, Labor and Social Security, and Justice were responsible for enforcing trafficking and child labor laws and regulations.

The government cooperated with Cote d'Ivoire, Mali, and other governments, and international organizations throughout the year in implementing workshops and overall cooperation on child trafficking.

The government worked with international donors and the International Labor Organization to address child trafficking, in part by organizing seminars on child trafficking for customs officers. During the year security services and civil society groups organized similar workshops and seminars. The government also organized several training sessions for watch committee members. Over several years, the government has established 142 watch committees in 12 of the 13 regions in which child trafficking and child labor were problems. The watch committees included representatives of industries usually implicated in child labor (cotton growers, for example), the police, gendarmerie, magistrates, NGOs, and social welfare agencies. The government also worked with international and domestic NGOs in the fight against trafficking.

The government, in collaboration with the UN Children's Fund, continued to operate transit centers with food and basic medical care for destitute children, including trafficked children. It also helped children return to their families. NGOs operated most reintegration programs for trafficked children.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, the provision of other state services, or other areas; however, the government did not effectively enforce these provisions. There was no government mandate or legislation concerning access to buildings for persons with disabilities. Advocates reported that persons with disabilities often faced social and economic discrimination. Such persons who were able to work found it difficult to find employment, including in government service, because of deeply entrenched societal attitudes that persons with disabilities should be under the care of their families and not in the workforce.

Programs to aid persons with disabilities were limited. During the year the National Committee for the Reintegration of Persons with Disabilities conducted sensitizing campaigns and implemented reintegration programs and capacity building programs to better manage income-generating activities.

National/ Racial/Ethnic Minorities

Incidents of discrimination occurred involving cattle farmers of the Fulani ethnic group and farmers of other ethnic groups. Such incidents were fueled by the scarcity of grazing lands and Fulani herders' allowing their cattle to graze on farming lands of the other groups.

On June 23, violent clashes over business interests erupted in a mining village in Yatenga Province, between the majority Mossi ethnic group and the minority Bissa ethnic group. The clashes caused several injuries and significant property destruction. The Bissa, who operated businesses and were wealthier than other ethnic groups in the area, fled and sought refuge at the gendarmerie. The incident appeared to be the result of a longstanding commercial dispute between the Bissa, who owned most of the gold speck mills, and the Mossi, who were typically their clients. The situation returned to normal after local authorities, human rights groups, and traditional and religious leaders moved quickly to restore peace.

Societal Abuses, Discrimination and Acts of Violence Based on Sexual Orientation and Gender Identity

Societal discrimination based on sexual orientation and gender identify remained a problem. Religious and traditional beliefs do not tolerate homosexuality, and homosexual persons were reportedly occasional victims of verbal and physical abuse. There were no reports that the government responded to societal violence and discrimination against homosexual persons.

Lesbian, gay, bisexual, and transgender (LGBT) organizations had no legal presence in the country but existed unofficially. Traditional mores are not accepting of LGBT persons. There were no reports of government or societal violence against such organizations.

Other Societal Violence or Discrimination

Societal discrimination against persons with HIV/AIDS was a problem. Persons who tested positive for HIV/AIDS were sometimes shunned by their families, and HIV/AIDS-positive wives were sometimes evicted from their homes. Some landlords refused to rent lodgings to persons with HIV/AIDS. However, persons with HIV/AIDS were generally not discriminated against in employment practices or the workplace.

Section 7 Worker Rights

a. The Right of Association

The laws allow workers to form and join independent unions of their choice without previous authorization or excessive requirements; however, "essential" workers such as police, army, and other security personnel could not join unions. Approximately 85 percent of the workforce was engaged in subsistence agriculture and did not belong to unions. Of the remainder, an estimated 25 percent of private sector employees and 60 percent of public sector workers were union members. The law provides unions the right to conduct their activities without interference, and the government respected this right.

The law provides for the right to strike; however, the law provides a very narrow definition of this right. Magistrates, police, military personnel, and gendarmes do not have the right to strike.

There were no reports of strikebreaking during the year.

b. The Right to Organize and Bargain Collectively

Unions have the right to bargain directly with employers and industry associations for wages and other benefits. There was extensive collective bargaining in the modern wage sector; however, this sector included only a small percentage of workers.

There were no reports of government restrictions on collective bargaining during the year.

The 2008 collective bargaining agreement included private sector and civil service workers who participated in negotiations with employers; the agreement that was reached addressed their concerns, including better working conditions and higher salaries.

There were no reports of antiunion discrimination during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women and children were trafficked for agricultural labor,

commercial sexual exploitation, domestic servitude, animal husbandry, and work in gold mines and stone quarries.

d. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 16 and prohibits children under 18 years of age from working at night except in times of emergency; however, child labor was a problem, and children worked in the informal, agricultural, and mining sectors outside their own families for little or no pay. The minimum age for employment was inconsistent with the age for completing educational requirements, which generally was 16 years. In the domestic and agricultural sectors, the law permits children under the age of 15 to perform limited activities for up to four and one-half hours per day; however, many children under the age of 15 worked longer hours. An estimated 51 percent of children worked, largely as domestic servants or under harsh conditions in the agricultural or mining sectors. Children commonly worked with their parents in rural areas or in family-owned small businesses in villages and cities. There were no reports of children under age 15 employed in either state-owned or large private companies.

The Ministry of Labor and Social Security, which oversees labor standards, lacked the means to enforce worker safety and minimum age legislation adequately.

Punishment for violating child labor laws included prison terms of up to five years and fines of up to 600,000 CFA francs (\$1,237).

The government organized workshops during the year, and in cooperation with donors, undertook sensitization programs to inform children and parents of the dangers of sending children away from home to work.

e. Acceptable Conditions of Work

The law mandates a minimum monthly wage of approximately 30,684 CFA francs (\$63) in the formal sector; the minimum wage does not apply to subsistence agriculture or other informal occupations. The minimum wage did not provide a decent standard of living for a worker and family. Employers often paid less than the minimum wage. Wage earners usually supplemented their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector. The Ministry of Labor and Social Security was responsible for enforcing the minimum wage.

The law mandates a standard workweek of 40 hours for nondomestic workers and a 60-hour workweek for household workers, and it provides for overtime pay. There are also regulations pertaining to rest periods, limits on hours worked, and prohibition of excessive compulsory overtime, but these standards were not effectively enforced.

Government inspectors under the Ministry of Labor and Social Security and the labor tribunals were responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards did not apply in subsistence agriculture and other informal sectors. The government's Labor Inspector Corps did not have sufficient resources to

fulfill its duties adequately, and there were no reports of effective enforcement of inspection findings during the year. Every company with 10 or more employees was required to have a work safety committee. If the government's Labor Inspection Office declared a workplace unsafe for any reason, workers had the right to remove themselves without jeopardy to continued employment. There were indications that this right was respected, although such declarations by the Labor Inspection Office were rare.